

REMARKS

Entry of the foregoing is respectfully requested. By the present amendment, claims 1-15 have been canceled, without prejudice or disclaimer to the subject matter disclosed therein, and have been replaced with claims 20-46, thereby removing the improper "use" terminology and splitting the claims into two sets of claims: the first directed to methods of preparing a pharmaceutical composition of the present invention and the pharmaceutical composition itself (claims 20-32) and the second to methods of treatment or prevention (claims 33-46). Support for new claims 20-46 may be found, at the very least, in claims 1-15 as originally filed. No new matter has been added by the present amendment.

In the Restriction Requirement, the claims of the instant invention were divided into the following two groups of invention:

- I. Claims 1-15 (now claims 33-46), drawn to the use of apoptotic cells in treatment of neurodegenerative disorders, classified in class 424, subclass 93.1; and
- II. Claims 2-14 and 16-19 (now claims 20-32 and 16-19), drawn to a medicament for the treatment of neurodegenerative disorders, classified in class 435, subclass 325.

Applicants hereby elect the Group II invention, directed to claims 20-32 and 16-19, with traverse.

This election is made *with* traverse. Applicants respectfully submit that, according to the MPEP § 893, a restriction between patentably distinct inventions is proper only where there is a serious burden on the Examiner to examine all the claims in a single

application. This is true even where appropriate reasons exist for a restriction requirement.

In the present invention, it is believed that because there is a close relationship between the subject matter of Groups I and II claims, there would be no serious burden on the Examiner to examine both sets of claims at this time. The Group I and II inventions are linked based upon the apoptotic cells or apoptotic entities recited therein. As such, there is a close relationship between the subject matter of these two sets of claims. Thus, there would be no serious burden on the Examiner to examine all of the claims at this time.

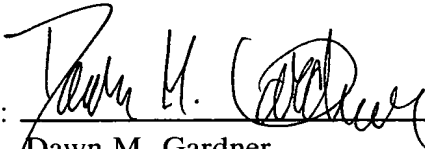
In light of the above, withdrawal of the requirement for restriction between Groups I and II is respectfully requested. Such action is believed to be in order.

Early and favorable action in the form of a Notice of Allowance is respectfully requested.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney so that prosecution would be expedited.

Respectfully submitted,

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